

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ACCOUNTABILITY IN BILINGUAL MULTICULTURAL EDUCATION PROGRAMS; SPECIFYING THE PERMISSIBLE USES OF BILINGUAL MULTICULTURAL EDUCATION PROGRAM FUNDS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-23-1 NMSA 1978 (being Laws 1973, Chapter 285, Section 1) is amended to read:

"22-23-1. SHORT TITLE.--Chapter 22, Article 23 NMSA 1978 may be cited as the "Bilingual Multicultural Education Act"."

Section 2. A new section of the Bilingual Multicultural Education Act, Section 22-23-1.1 NMSA 1978, is enacted to read:

"22-23-1.1. LEGISLATIVE FINDINGS.--The legislature finds that:

A. while state and federal combined funding for New Mexico's bilingual multicultural education programs was forty-one million dollars (\$41,000,000) in 2003, the funds do not directly support bilingual multicultural education program instruction;

B. the state's bilingual multicultural education program goals are for all students, including English

1 language learners, to:

2 (1) become bilingual and biliterate in
3 English and a second language, including Spanish, a Native
4 American language, where a written form exists and there is
5 tribal approval, or another language; and

6 (2) meet state academic content standards
7 and benchmarks in all subject areas;

8 C. districts do not fully understand how to
9 properly assess, place and monitor students in bilingual
10 multicultural education programs so that the students may
11 become academically successful;

12 D. because inaccurate reporting on student
13 participation in bilingual multicultural education programs
14 has a direct impact on state and federal funding,
15 accountability measures are necessary to track bilingual
16 multicultural education program funds;

17 E. the federal No Child Left Behind Act of 2001
18 does not preclude using state funds for bilingual
19 multicultural education programs;

20 F. Article 12, Section 8 of the constitution of
21 New Mexico recognizes the value of bilingualism as an
22 educational tool;

23 G. professional development is needed for district
24 employees, including teachers, teacher assistants,
25 principals, bilingual directors or coordinators, associate

1 superintendents, superintendents and financial officers in
2 the areas of:

3 (1) research-based bilingual multicultural
4 education programs and implications for instruction;

5 (2) best practices of English as a second
6 language, English language development and bilingual
7 multicultural education programs; and

8 (3) classroom assessments that support
9 academic and language development;

10 H. parents in conjunction with teachers and other
11 district employees shall be empowered to decide what type of
12 bilingual multicultural education program works best for
13 their children and their community. Districts shall also
14 provide parents with appropriate training in English or in
15 the home or heritage language to help their children succeed
16 in school;

17 I. because research has shown that it takes five
18 to seven years to acquire academic proficiency in a second
19 language, priority should be given to programs that
20 adequately support a child's linguistic development. The
21 state shall, therefore, fund bilingual multicultural
22 education programs for students in grades kindergarten
23 through three before funding bilingual multicultural
24 education programs at higher grade levels;

25 J. a standardized curriculum, including

1 instructional materials with scope and sequence, is necessary
2 to ensure that the bilingual multicultural education program
3 is consistent and building on the language skills the
4 students have previously learned. The instructional
5 materials for Native American bilingual multicultural
6 education programs shall be written, when permitted by the
7 Indian nation, tribe or pueblo, and if written materials are
8 not available, an oral standardized curriculum shall be
9 implemented;

10 K. equitable and culturally relevant learning
11 environments, educational opportunities and culturally
12 relevant instructional materials for all students
13 participating in the program. For Native American students
14 enrolled in public schools, equitable and culturally relevant
15 learning environments, educational opportunities and
16 culturally relevant instructional materials are required to
17 satisfy a goal of the Indian Education Act; and

18 L. the Bilingual Multicultural Education Act will
19 ensure equal education opportunities for students in New
20 Mexico. Cognitive and affective development of the students
21 is encouraged by:

22 (1) using the cultural and linguistic
23 backgrounds of the students in a bilingual multicultural
24 education program;

25 (2) providing students with opportunities to

1 expand their conceptual and linguistic abilities and
2 potentials in a successful and positive manner; and

3 (3) teaching students to appreciate the
4 value and beauty of different languages and cultures."

5 Section 3. Section 22-23-2 NMSA 1978 (being Laws 1973,
6 Chapter 285, Section 2) is repealed and a new Section 22-23-2
7 NMSA 1978 is enacted to read:

8 "22-23-2. DEFINITIONS.--As used in the Bilingual
9 Multicultural Education Act:

10 A. "bilingual multicultural education program"
11 means a program using two languages, including English and
12 the home or heritage language, as a medium of instruction in
13 the teaching and learning process;

14 B. "culturally and linguistically different" means
15 students who are of a different cultural background than
16 mainstream United States culture and whose home or heritage
17 language, inherited from the student's family, tribe or
18 country of origin, is a language other than English;

19 C. "department" means the public education
20 department;

21 D. "district" means a public school or any
22 combination of public schools in a district;

23 E. "English language learner" means a student
24 whose first or heritage language is not English and who is
25 unable to read, write, speak or understand English at a level

1 comparable to grade level English proficient peers and native
2 English speakers;

3 F. "heritage language" means a language other than
4 English that is inherited from a family, tribe, community or
5 country of origin;

6 G. "home language" means a language other than
7 English that is the primary or heritage language spoken at
8 home or in the community;

9 H. "school board" means a local school board; and

10 I. "standardized curriculum" means a district
11 curriculum that is aligned with the state academic content
12 standards, benchmarks and performance standards."

13 Section 4. Section 22-23-4 NMSA 1978 (being Laws 1973,
14 Chapter 285, Section 4) is amended to read:

15 "22-23-4. DEPARTMENT--POWERS--DUTIES.--

16 A. The department shall issue rules for the
17 development and implementation of bilingual multicultural
18 education programs.

19 B. The department shall administer and enforce the
20 provisions of the Bilingual Multicultural Education Act.

21 C. The department shall assist school boards in
22 developing and evaluating bilingual multicultural education
23 programs.

24 D. In the development, implementation and
25 administration of the bilingual multicultural education

1 programs, the department shall give preference to New Mexico
2 residents who have received specialized training in bilingual
3 education when hiring personnel."

4 Section 5. Section 22-23-5 NMSA 1978 (being Laws 1973,
5 Chapter 285, Section 5, as amended) is amended to read:

6 "22-23-5. BILINGUAL MULTICULTURAL EDUCATION PROGRAM
7 PLAN--EVALUATION.--

8 A. The school board may prepare and submit to the
9 department a bilingual multicultural education program plan
10 in accordance with rules issued by the department.

11 B. At regular intervals, the school board and a
12 parent advisory committee from the district shall review the
13 goals and priorities of the plan and make appropriate
14 recommendations to the department.

15 C. Bilingual multicultural education programs
16 shall be located in the district and delivered as part of the
17 regular academic program. Involvement of students in a
18 bilingual multicultural education program shall not have the
19 effect of segregating students by ethnic group, color or
20 national origin.

21 D. Each district shall maintain academic
22 achievement and language proficiency data and update the data
23 annually to evaluate bilingual multicultural education
24 program effectiveness and use of funds. The department shall
25 annually compile and report this data to the appropriate

1 interim legislative committee.

2 E. Districts shall provide professional
3 development to district employees, including teachers,
4 teacher assistants, principals, bilingual directors or
5 coordinators, associate superintendents, superintendents and
6 financial officers in the areas of:

7 (1) research-based bilingual multicultural
8 education programs and implications for instruction;

9 (2) best practices of English as a second
10 language, English language development and bilingual
11 multicultural education programs; and

12 (3) classroom assessments that support
13 academic and language development.

14 F. Bilingual multicultural education programs
15 shall be part of the district's professional development
16 plan. Bilingual educators, including teachers, teacher
17 assistants, instructional support personnel, principals and
18 program administrators, shall participate in professional
19 development and training."

20 Section 6. Section 22-23-6 NMSA 1978 (being Laws 1973,
21 Chapter 285, Section 6, as amended) is amended to read:

22 "22-23-6. BILINGUAL MULTICULTURAL EDUCATION PROGRAMS--
23 ELIGIBILITY FOR STATE FINANCIAL SUPPORT.--

24 A. To be eligible for state financial support,
25 each bilingual multicultural education program shall:

1 (1) provide for the educational needs of
2 linguistically and culturally different students, including
3 Native American children and other students who may wish to
4 participate, in grades kindergarten through twelve, with
5 priority to be given to programs in grades kindergarten
6 through three, in a district;

7 (2) fund programs for culturally and
8 linguistically different students in the state in grades
9 kindergarten through three for which there is an identifiable
10 need to improve the language capabilities of both English and
11 the home language of these students before funding programs
12 at higher grade levels;

13 (3) use two languages as mediums of
14 instruction for any part or all of the curriculum of the
15 grade levels within the program;

16 (4) use teachers who have specialized in
17 elementary or secondary education and who have received
18 specialized training in bilingual education conducted through
19 the use of two languages. These teachers or other trained
20 personnel shall administer language proficiency assessments
21 in both English and in the home language until proficiency in
22 each language is achieved;

23 (5) emphasize the history and cultures
24 associated with the students' home or heritage language;

25 (6) establish a parent advisory committee,

